

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOSHUA MASSIATE-REYES	§	
	§	
vs.	§	CIVIL ACTION NO.: 5:17-cv-553
	§	
ANTHONY WEYNE	§	
AND WEB INDUSTRIES, LLC	§	

**STIPULATION OF DISMISSAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff and Defendants file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Plaintiff is JOSHUA MASSIATE-REYES; Defendants are ANTHONY WEYNE and WEB INDUSTRIES, LLC.
2. On April 25, 2017, Plaintiff sued Defendants.
3. Plaintiff moves to dismiss the suit.
4. Defendants, who have served an answer, agree to the dismissal.
5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
6. A receiver has not been appointed in this case.
7. This case is not governed by any federal statute that requires a court order for dismissal of the case.
8. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.

9. This dismissal is without prejudice.

Respectfully submitted,

**GENE TOSCANO, INC.**

BY: /s/ E. David Martinez  
E. DAVID MARTINEZ  
State Bar No.: 24065686  
846 Culebra Road, Suite 104  
San Antonio, Texas 78201  
Office: (210) 732-6091  
Fax: (210) 735-4167  
E-mail: [EMartinez@genetoscano.com](mailto:EMartinez@genetoscano.com)  
E-service: [Genetoscano@genetoscano.com](mailto:Genetoscano@genetoscano.com)  
**ATTORNEY FOR PLAINTIFF**

By: /s/ William D. Abbott  
Les Pickett (Lead Counsel)  
State Bar No. 15980520  
[lpickett@gallowaylawfirm.com](mailto:lpickett@gallowaylawfirm.com)  
William D. Abbott  
State Bar No. 24087069  
[wabbott@gallowaylawfirm.com](mailto:wabbott@gallowaylawfirm.com)  
GALLOWAY, JOHNSON, TOMPKINS,  
BURR & SMITH  
1301 McKinney Suite 1400  
Houston, Texas 77010  
(713) 599-0700 – Telephone  
(713) 599-0777 – Facsimile

**ATTORNEYS FOR DEFENDANTS**